

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – A.P. Works Accounts Service – Sri M.M. Shariff, DAO (W) – treating the dismissal period from 23.1.2002 to 25.1.2005 as duty and release of eligible pensionary benefits duly withholding the DCRG and Encashment of Leave to the wife of the Deceased Officer – Orders – Issued.

FINANCE (WA-II) DEPARTMENT

G.O. Rt No. 2116

Dated:19-05-2011.

Read the following:-

1. G.O. Rt No. 714, Finance (WA.II) Department dated 06.03.2007.
2. G.O. Rt No. 208, Finance ((WA.II) Department, dated 19.01.2009
3. From the Director of Works Accounts Lr. No. DWA/Hyd/EC1/2010-11/338 dated 18-03-2011.
4. From the Director of Works Accounts Lr. No. DWA/Hyd/EC1/2010-11/339 dated 18-03-2011.

O R D E R:

Sri M.M Shariff, DAO (W), was expired on 28.03.2006 when a disciplinary case is pending before the Tribunal for Disciplinary Proceedings, Hyderabad against him. He was under suspension during that time. Orders were issued in the reference 1st read above abating the disciplinary case pending against the deceased DAO (W) subject to recovery of misappropriated amount from the retirement benefits of the deceased officer. Further orders were issued in the reference 2nd read above, treating the suspension period from 07.12.1988 to 31.08.2001 and from 25.01.2005 to 28.03.2006 only as duty as per FR 54(B)(ii).

In the reference 3rd read above, the Director of Works Accounts stated that the Executive Engineer, R&B Division, Srikakulam and S.E., R&B Circle, Visakhapatnam were requested to inform the action taken by the R&B Department on their employees in the criminal case of Late Sri MM. Shariff, DAO(W). The R&B officials have informed that the Suit No. 10/2004 was filed by the department in the Hon'ble Court of District Judge, Srikakulam against Sri MM. Shariff, DAO (W) and 4 others for recovery of misappropriated Government money. In the above case, Sri MM. Shariff is the first defendant and Sri K.S.K. Seshagiri Rao, Sr. Assistant (now Superintendent (Rtd)) is the second defendant. Both are Government employees. Defendants 3 to 5 are third parties to the department. It is also stated that, TR&B Department vide Memo No. 7925/Vig.I.1/2008-17, dated 20.7.2010 and ENC(R&B), Hyderabad Proc. No. 61886/VC(6)/88, dated 30.7.2010, have cancelled the dismissal order in respect of Sri K.S.K. Seshagiri Rao, Superintendent(Rtd) and deemed to have reinstated into duty w.e.f. 2.1.2011 and paid all the arrears, full pension and gratuity under FR 54(A)(1) and (3) with full pay and allowances as per the directions of the Hon'ble APAT in O.A.No.4358 of 2008, dated 23.4.2010. It is also stated that the Executive Engineer also requested the S.E., R&B, Srikakulam to accord necessary permission to withdraw the case i.e., O.S.No.10/2004 on public interest in the District Judge Court, Srikakulam.

In the reference 4th read above, the Director of Works Accounts stated that Smt Mahadi, W/o Late Sri M.M. Shariff, DAO (W) has represented to Government to treat the dismissal period from 23.01.2002 to 25.01.2005 as duty in respect of her deceased husband for settlement of pensionary benefits. It is also stated that, vide reference 2nd read above issued orders

treating the suspension period from 07.12.1988 to 31.08.2001 and from 25.01.2005 to 28.03.2006 as duty as per FR 54(B)(ii) in respect of Late Sri M.M. Shariff. But there is no mention in that G.O, so far to treat the dismissal period from 23.01.2002 to 24.01.2005 as duty period. Now the wife of the deceased employee is pressing for treating the dismissal period also from 23.01.2002 to 24.01.2005 as duty for early settlement of pensionary benefits. He therefore requested to issue orders suitably on the representation of Smt Mahadi, W/o Late Sri M.M Shariff, DAO (W) for regularization of the dismissal period from 23.01.2002 to 24.01.2005.

Government after careful examination of the entire issue, and also keeping in view the O.S10/2004 pending before the Hon'ble Court of District Judge, Srikakulam, hereby decided (i) to regularize the dismissal period of Sri M. M. Shariff, DAO (W) (Expired) from 23.01.2002 to 24.01.2005 as duty in terms of sub rules (2) and (3) of FR-54, since the suspension period was also regularized as duty vide orders in the reference 2nd read above and also to (ii) release the pensionary benefits such as Family Pension, GPF, APGLI, FBF and GI to the wife of the deceased officer duly withholding the DCRG and Encashment of Leave in terms of Rule 9 of A.P. Revised Pension Rules, 1980 till finalisation of O.S pending before the Hon'ble Court of District Judge, Srikakulam.

The Director of Works Accounts, Hyderabad is directed to take action accordingly.

This order issued with the concurrence of Finance (FR.II) Department vide their U.O. No. 29053/190/FR.II/2011 dated 29.04.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.E. SEKHAR BABU,
SECRETARY TO GOVERNMENT (W&P)

To:

Smt Mahadi, w/o Late Sri M.M. Shariff, D.A.O(W),
Saptapadi Apartments, Gangaram, Chandanagar, Hyderabad-500 050,
through the Director of Works Accounts, Hyderabad.

The Director of Works Accounts, Hyderabad.

The Accountant General. Andhra Pradesh, Hyderabad.

Copy to:

The Executive Engineer, R&B Division, Srikakulam.

The Executive Engineer, Gates Erection Division, PJP, Gadwal

SF/SCs.

// FORWARDED: :BY ORDER//

SECTION OFFICER.